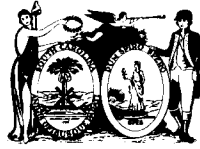


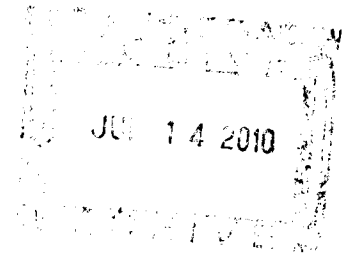
224823

The State of South Carolina
Military Department

2010-242-T



OFFICE OF THE ADJUTANT GENERAL



STANHOPE S. SPEARS
MAJOR GENERAL
THE ADJUTANT GENERAL

July 6, 2010

Hon. Jocelyn Boyd
Acting Chief Clerk/Administrator
Public Service Commission of South Carolina
P.O. Drawer 11649
Columbia, SC 29211

Re: Application for Exemption from Public Service Commission Regulation of Contracted Motor Carriers Under S. C. Code Ann. Section 58-23-70 (Law. Co-op. 1976)

Dear Ms. Boyd,

South Carolina is one of the most vulnerable states in the nation to be impacted by hurricanes and tropical storms. Of the state's 46 counties, 6 are coastal with over 200 miles of coastline and another 21 inland counties may be directly affected by these storms. Densely populated coastal areas, especially during peak tourist seasons, coupled with the generally low coastal elevations, significantly increase the state's vulnerability.

Among the duties of the South Carolina Emergency Management Division ("SCEMD") is the responsibility for the development, coordination, and maintenance of the South Carolina Emergency Operations Plans. These plans include providing local governmental entities and the state's population with assistance in preparedness and response all hazard events. An important part of this planning is the preparation of plans for when the Governor declares a "State of Emergency" and orders the mandatory evacuation of the population in South Carolina's Low Country in the event of an imminent hurricane strike along the South Carolina coast.

As part of the SCEMD's planning for the evacuation of the South Carolina coast, we have endeavored to contract with private charter bus carriers to provide transportation for residents of the South Carolina coast who do not have access to personal transportation. Hurricane Katrina

Emergency Management Division
2779 Fish Hatchery Road
West Columbia, South Carolina 29172
(803) 737-8500 • Fax: (803) 737-8570

stands as a striking example of why the state must make provisions for the evacuation of densely populated areas standing in the path of a hurricane.

SCEMD first sought licensed South Carolina charter and private bus carriers to serve this need. After exhausting these in-state resources however, we find that there is still a need to contract with additional private charter bus carriers located in bordering states. These private carriers frequently do not have South Carolina Public Service Commission authority to provide intra-state passenger carrier service. As a result, this Division and the private out-of-state carriers with whom we wish to contract are reluctant to enter into contracts to provide for the intra-state transportation of passengers in South Carolina in the event of an evacuation of the South Carolina coast.

The SCEMD is therefore requesting that the Public Service Commission provide an exemption under S.C. Code Ann. §58-23-70 (1976) which provides that "Nothing contained in Articles 1 to 11 of this chapter shall be construed to prevent the use or hiring of any motor vehicle for the purpose of making some particular trip when the owner of such vehicle does not make such transportation a business." The "particular trip" in this case would be transportation provided under contract with SCEMD during emergency evacuations. While these private carriers are engaged in interstate passenger carrier service, none are or intend to make the intrastate transportation of passengers in South Carolina "a business." SCEMD will provide any terms or conditions in the contracts with such out-of-state carriers as the Public Service Commission Orders to ensure that this requested exemption does not, or will not, provide the contracted out-of-state carriers with any exemption from Public Service Commission licensing and regulatory requirements except for services rendered under a contract with the South Carolina EMD.

SCEMD believes that the granting of this exemption by the South Carolina Public Service Commission is clearly in the public interest. We thank you for your consideration of this Application.

Yours Truly,

A handwritten signature in black ink, appearing to read 'K Stenson', with a horizontal line extending to the right.

Kim Stenson
Chief of Staff
South Carolina Emergency Management Division